



THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION COMMENTS ON CEQA DOCUMENTS AS AN AUTHORITY ON HISTORIC AND CULTURAL RESOURCES. THIS PUBLICATION USES CASE-STUDIES TAKEN FROM ENVIRONMENTAL DOCUMENTS PRODUCED IN CALIFORNIA TO HELP ENVIRONMENTAL ANALYSTS AND LEAD AGENCIES UNDERSTAND HISTORICAL AND CULTURAL RESOURCE IDENTIFICATION AND EVALUATION.

THIS IS NOT AN OFFICIAL POLICY DOCUMENT, BUT THE EXAMPLES INCLUDED CAN HELP PROFESSIONALS AND DECISION MAKERS UNDERSTAND HISTORIC AND CULTURAL RESOURCE EVALUATION AS AN INTEGRAL ELEMENT IN SUCCESSFUL COMPLETION OF THE CEQA PROCESS.

## Using Discretion to Identify Historic Resources

Identification of historical resources as part of the planning process should be incorporated into long range planning decisions. However, given budget and staffing limitations of local governments, sometimes CEQA becomes a catch-all for identifying historic resources rather than during planning surveys. It is important for local governments to develop consistent internal guidelines or policies regarding when they will treat a resource as potentially historically significant, and when that is not needed. This decision should not be arbitrary, but rather based on criteria in a local ordinance or internal policy document.

In our case study, a city proposed to demolish a railroad trestle and construct a modern bicycle and pedestrian bridge in its place. The existing trestle was nearly 100 years old, but not listed on any historic registry. The lead agency concluded no historic resources were present because the trestle was not listed on the local, state, or national historic registry. A negative declaration was prepared and a notice posted on the city website. When the local community realized the proposed project would demolish the existing trestle, they organized an opposition campaign to argue the trestle was historically significant. The group claimed the city should prepare an EIR because the proposed project would have significant impacts to historical resources.

Technically, the city did not do anything wrong in determining there were no impacts to historic resources, but in light of community interest, the city could have saved time and money if it had chosen to treat the structure as historically significant at the beginning of the process. In the end, the city prepared an EIR, and hired a consultant to review the historic significance of the trestle. The consultant agreed the structure was not eligible for listing on the state and national register, but left the local eligibility determination up to the city's

landmark commission and city council.

When the city's landmark commission reviewed the EIR, they concluded the structure was eligible for listing on the local historic registry and requested staff initiate nomination proceedings. Dozens of local residents showed up to support the local landmark designation. The final determination will be made by the city council after close of the EIR comment period, but in hindsight, the lead agency might have been better off raising the landmark issue with the community or the landmarks commission in advance of deciding what environmental document to prepare.

When carrying out their responsibility under CEQA, lead agencies are required to consider buildings with official historic-designations (local, state, and national) as significant during the CEQA process, but Lead Agencies are not precluded from treating any resource as historic during the environmental review process.

Some communities may choose to consider comments from local advocacy groups in advance of determining what CEQA document to prepare. Other local governments have adopted official policies in the form of an ordinance or internal policy document that triggers heightened review for projects meeting certain criteria. Regardless of the method used, lead agencies should not restrict their ability to treat a resource as locally significant and consider potential impacts.





# CEQA CASE STUDIES

## CALIFORNIA OFFICE OF HISTORIC PRESERVATION

1725 23rd Street, Ste 100  
Sacramento, CA 95816-7100

Phone: 916-445-7000  
Fax: 916-445-7053  
E-mail:

**VISIT US ONLINE!**

**WWW.OHP.PARKS.CA.GOV**



## Requesting CEQA Comments from OHP

Requests for OHP comments from local agencies and concerned local citizens should be made at least two weeks prior to the end of the comment period for the CEQA document prepared for the project in question. Requests made any closer to the end of the comment period will generally not provide OHP with sufficient time to respond to the request. Requests must be made in writing (e-mail, fax, or mail) and should include as much information as possible about the project (name, location, and project description); historical resources information (name of property, location, property description and significance); lead agency information (contact person, contact information, other involved agencies); and CEQA process (document type, comment period).

OHP is occasionally contacted by members of the public who feel that a CEQA document should have been prepared for a

specific project, but one was not. When making a request for comments from OHP in such a circumstance, OHP should still be given at least two weeks prior to any final action on the project in question to respond. A shorter time frame will generally not provide OHP with sufficient time in which to do so. To the extent possible, the same information as described above should be provided.

OHP recognizes that there may be times when no CEQA document is prepared and it is not possible to provide OHP with sufficient information on which to act prior to a lead agency's final action on a project. In such circumstances, and subject to OHP commenting criteria listed below, OHP may request that the lead agency provide additional time in which OHP may provide further comments. The closer the request is made to anticipated final action by a lead agency, though, the less likely it is

that OHP will take any action.

OHP is also occasionally contacted by members of the public for advice and assistance with general CEQA questions not related to a specific project. OHP will attempt to respond to all written requests for advice and assistance with general CEQA questions within a timely manner. All requests should include the name and affiliation of the person making the request and contact information, including phone number, fax number, and email address. Please allow at least two weeks for OHP to respond.

THE OFFICE OF HISTORIC PRESERVATION (OHP) MAY CHOOSE TO COMMENT ON THE CEQA COMPLIANCE PROCESS FOR SPECIFIC LOCAL GOVERNMENT PROJECTS. OHP HAS COMMENTED ON CEQA DOCUMENTS AND ADVISED LEAD AGENCIES SINCE THE 1970S. HOWEVER, IT WAS NOT UNTIL THE ADOPTION OF THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES REGULATIONS IN 1992 AND THE 1998 AMENDMENTS TO CEQA THAT DEFINED HISTORICAL RESOURCES, THAT OHP INITIATED A SPECIFIC CEQA PROGRAM. BECAUSE OHP HAS NO FORMAL AUTHORITY OF LOCAL GOVERNMENT AGENCIES IN CALIFORNIA, THIS PROGRAM IS APPROACHED IN A MORE INFORMAL MANNER THAN OUR COMMENTING RESPONSIBILITIES UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OR COMMENTS ON STATE PROJECTS UNDER PUBLIC RESOURCES CODE SECTION 5024.5, WHICH PERTAINS TO STATE OWNED HISTORIC PROPERTIES.

FOR QUESTIONS ABOUT CEQA AND HISTORIC AND CULTURAL RESOURCES, PLEASE CONTACT: SEAN DE COURCY, AT (916) 445-7042 OR AT [SEAN.DECOURCY@PARKS.CA.GOV](mailto:SEAN.DECOURCY@PARKS.CA.GOV)

## CEQA RESOURCES

- ◆ [PRC Section 21083.2-21084.1](#)
- ◆ [CEQA Guidelines CCR Section 1500-15387](#)
- ◆ [Advocating for Historic Resources Under CEQA](#)